

Committee of Thirteen Report

April 10, 2012

The Committee of Thirteen of the Benton County Quorum Court met Tuesday, April 10, 2012 at 6:00 p.m. in the Quorum Court Room, County Administration Building, Third Floor, 215 East Central, Bentonville, Arkansas.

12 JPs Present: King, Winscott, J. Harrison, Allen, K. Harrison, Hawkins,
Jones, Sandlin, Douglas, Blaty, Curry, Carr
1 Absent: Moore

Others Present: County Judge Bob Clinard, County Attorney George
Spence, Comptroller Richard McComas, Administrator of
Public Safety Marshal Watson, Director Construction,
Facilities, and Maintenance John Sudduth, Jail Captain
Chris Sparks, Information System Director Sidney
Reynolds

Media: Tom Sissom - Daily Record

Chair Kurt Moore called the meeting to order.

PUBLIC COMMENTS

Brent Meyers, Chairman of the Benton County Tea Party announced that the Benton County Tea Party is holding an Open Candidates Forum on Saturday, May 12, 2012 at the Benton County Public Services building. He stated that all candidates, regardless of party affiliation, who are running for Federal, State, County, City or local offices in the Benton County May 22, 2012 Primary Election's is invited to attend and speak to the voters.

JP Jones made motion to amend the agenda to move Item "1" and Item "2" to the end of the agenda to allow County Attorney George Spence to be present for the discussion of these items, seconded by JP Douglas.

Motion passed by unanimous show of hands vote.

Discussion: RFB-REP (Request for Re-Bid of the Lawn and Irrigation Service) –
Director Construction, Facilities, & Maintenance - John Sudduth

JP Allen stated that this discussion will be held with Item "4" on the agenda.

JP J. Harrison made motion to read all ordinances and resolutions by title only, seconded by JP Sandlin.

Appropriation Ordinance Request: Final 2011 Budget Year End Cleanup

JP Jones stated this is a clean up ordinance to the 2011 budget for Non-Dept Maintenance, Dept 23, and does not require additional money.

JP Jones made motion to approve and forward the appropriation ordinance to the April 26, 2012 Quorum Court agenda, seconded by JP J. Harrison

Motion passed by unanimous show of hands vote.

Appropriation Ordinance Request: Adjust 2012 Budget, Non-Dept Maintenance, Dept 23, Fund 010

JP Douglas stated this is to add additional monies to Non- Dept Maintenance, Dept 23 to include \$15,000 for insurance on the Juvenile Justice Center building, \$6,000 for additional rent expenditures, and \$14,000 for lawn maintenance and other miscellaneous services.

JP Douglas made motion to put the appropriation ordinance request for the Maintenance Department on the floor for discussion.

JP Douglas stated that the county has to pay the insurance on buildings and rent, but that he had a problem appropriating \$14,000 for lawn maintenance and mowing. Comptroller Richard McComas stated this is not the first time that the county has paid to have lawn mowing done.

JP Allen stated that there was a discussion in Finance about the fact that downtown has been getting a lot of attention and the downtown area is looking good, and that new landscaping had been done around the courthouse, and that we want that area to look nice.

Richard McComas stated that there is less people working in the Maintenance Department now, than when the county was doing the mowing.

JP K. Harrison stated the he was in the lawn care business and that a lot of time, work can be contracted out and be less expensive than doing the work yourself.

JP Allen asked JP K. Harrison if his company was going to bid on the work.

JP K. Harrison stated that their company is going to bid on the work, butt he is going to abstain from voting.

Richard McComas stated that this is the difference needed to take the lowest bid for the yard work.

Lengthy discussion was held on the costs for contracting out lawn mowing and ground maintenance care for county owned properties.

County Judge Bob Clinard stated this is beyond what the Road Department can do, it is beyond what the inmates can do, and this is about taking care of our lawns and grounds.

Richard McComas stated this is not that much in addition to what was spent last year mowing and the lawn maintenance is taken out of the maintenance departments budget.

Further discussion was held on lawn care and ground maintenance costs for all county owned properties.

JP Sandlin made motion to approve and forward the appropriation ordinance request to the Thursday April 26, 2012 Quorum Court Agenda, seconded by JP Carr.

Motion passed by show of hands vote.

11 in favor: King, Winscott, Harrison, Allen, Hawkins, Jones, Sandlin, Douglas, Blaty, Curry, Carr
1 abstain: K. Harrison
1 absent: Moore

Appropriation Ordinance Request: Create a New Fund 473, Juvenile Accountability Block (JAGB) Grant Fund, Dept 20, Juvenile Probation

JP Jones stated this appropriation ordinance request is to appropriate and create a new fund, Fund 473, Juvenile Accountability Block (JAGB) Block for grant monies received for Dept 20, Juvenile Probation.

JP Jones made motion to approve and forward the appropriation ordinance request to the Thursday April 26, 2012 Quorum Court agenda, seconded by JP Sandlin.

Motion passed by unanimous show of hands vote.

Appropriation Ordinance Request: Rural Community Grant Fund, Rocky Branch Fire Department, Dept 01, Fund 483

JP Jones stated this appropriation request is to appropriate the county match required for the purchase of a new generator for the Rocky Branch Fire Department.

JP Jones made motion to approve and forward the appropriation ordinance request to the April 26, 2012 Quorum Court agenda, seconded by JP Curry.

Motion passed by unanimous show of hands vote.

Appropriation Ordinance Request: Rural Services Grant Fund, NEBCO Fire Department, Dept. 01, Fund 487

JP Jones stated this appropriation ordinance request is to appropriate the matching grant funds received for the NEBCO Fire Department for the purchase a new fire truck.

JP Jones made motion to approve and forward the appropriation ordinance request to the Thursday April 26, 2012 Quorum Court agenda, seconded by JP K. Harrison.

Motion passed by unanimous show of hands vote.

Emergency Ordinance Request: Emergency Ordinance Authorizing the Billing of Convicted Prisoners, for the Cost to Carry To and House at the Benton County Detention Center

JP Jones stated this ordinance request is to authorize the billing of county inmates for a \$5 transportation charge and \$40 per day fee for their time in the Benton County Detention Center. JP Jones stated that County Attorney George Spence has asked that this ordinance be sent back to the next Finance Committee for further discussion because of questions brought up by the Circuit and District Judges.

JP Jones made motion to put the Emergency Ordinance Request for the Pay for Stay on the floor for discussion, seconded by JP Sandlin.

JP Jones recognized Jail Captain Chris Sparks. Captain Chris Sparks stated that he had talked with County Attorney George Spence and had no problems with referring the ordinance back to the finance committee. Captain Sparks noted that this is just for county inmates.

JP Jones made motion to forward the proposed Pay for Stay ordinance to the May 1, 2012 Finance Committee meeting for further discussion, seconded by JP Hawkins.

Motion passed by unanimous show of hands vote.

Emergency Ordinance Request: Establishment of an Inmate Health Care Policy

JP Jones stated this emergency ordinance request is to establish inmate health care costs, a \$20 co-pay for medical services, and \$10 co-pay for prescription services. He stated this goes hand in hand with the commissary to get them to pay through their commissary account.

JP Jones made motion to approve the Emergency Ordinance to establish a Inmate Health Care Policy to the April 26, 2012 Quorum Court agenda, seconded by JP K. Harrison.

JP K. Harrison stated if this will save the taxpayers of Benton County, and will help the county, then this is an emergency.

JP Blaty stated that she disagrees that this is an emergency; there are very few things that should contain an emergency clause.

JP Douglas stated that he felt that there is a lot of abuse that goes on with the doctor and the prescription privileges. He stated that this is a good program that needs to be put into effect; it will save money, and cut down on unnecessary doctor visits and prescription costs. He stated there is a provision in the ordinance that states, if there is an indigent person that doesn't have the money to pay for the services, that person shall not be denied access to care, and that this is a good ordinance, with or without an emergency clause.

JP K. Harrison stated that most insurance companies have a clause that they will not pay while a client is incarcerated. He added this is a good ordinance with or without the emergency clause.

JP Jones asked if the county has to pay for the emergency room visits that come through our in house doctor.

Captain Sparks stated that there is nothing that says that inmates have to pay for emergency room visits. He stated that an emergency room can not refuse health care. JP Jones asked who makes the decision that an inmate needs to go to the emergency room. Captain Sparks stated the doctor, nursing staff or the Shift Sergeant.

JP Sandlin stated that in the Finance Committee there was discussion in regards to where the monies would go, whether it was going back to General Maintenance or to County General. She stated that she was concerned that in Article 8, it states that the funds “shall be used exclusively for the maintenance, operation and capital expenditures of the Benton County Detention Center and shall not be offset or reduce the funding from other sources for the maintenance, operation, and capital expenditures for the Benton County Detention Center”.

Richard McComas stated that this ordinance sets up a special account for the jail, and that the funds can only be used for the jail, as opposed to helping off set some of the county costs.

Captain Sparks stated there is upkeep for the jail that comes up all of the time that they would like to do, but can’t because they do not have the money in the budget.

JP Sandlin stated there is not a department in Benton County that doesn’t have things they really need to do or want to do and doesn’t have the money. She stated that the Quorum Court has no problem giving the Sheriff’s Office as much as they can afford to give, but just to say you can have it all, plus, and then to give you all the other that you are asking for goes a little above.

JP Carr stated that he likes this ordinance, but restricting the use of the money would give it the appearance of being “a slush fund.” He stated he couldn’t support the ordinance with Article “8” in the ordinance, if they are going to set up a special fund.

JP Jones stated that the Sheriff’s Office has several fee sources that are specifically for maintenance and operation of the jail.

Richard McComas stated that the Sheriff’s Office has a maintenance fund, a maintenance fine account, and several other self sustaining fund accounts, for specific purposes. He added that the main two accounts are the jail transportation, and fine accounts.

JP Jones asked if the maintenance fund is subsidized with funds from the General Fund monies.

Richard McComas stated that they subsidize the jail transportation fund, but that the Quorum Court still has to approve the appropriations.

JP Jones made motion to amend Article 8 of the ordinance striking “and shall not offset or reduce the funding from other sources for the maintenance, operation, and capital expenditures of Benton County Detention Center”, seconded by JP Carr.

Motion passed by unanimous show of hands vote.

JP Hawkins made motion to amend the ordinance to strike Article 10 the Emergency Clause and forward to the April 26, 2012 Quorum Court agenda, seconded by JP Jones. Discussion was held on striking Article 10, which is the Emergency Clause and moving the Inmate Health Care ordinance forward to the Quorum Court.

JP Allen called for a show of hands vote.

Motion passed by unanimous show of hands vote.

JP Allen stated that the motion on the floor is to forward the Inmate Health Care Policy ordinance to the April 26, 2012 Quorum Court meeting with two amendments; 1) strike the wording in Article 8 “shall not offset or reduce the funding from other sources for the maintenance, operation, and capital expenditures of Benton County Detention Center,” and 2) strike Article 10, the Emergency Clause.

Motion passed by unanimous show of hands vote.

OTHER BUSINESS

Richard McComas stated that the sheriff’s office wants the 34% fees collected from the Commissary account put into a Communication fund.

Captain Sparks stated funds that are deposited into the Communication fund are used to buy radios for the facility and in car camera systems.

Richard McComas stated that at this time there is not an ordinance setting where the funds are to go and currently the funds go into the General Fund.

JP Winscott stated that a Public Safety Committee Meeting will be called when the Emergency Medical Services study by Ludwig Group L.L.C. has been completed and that is expected to be finished by mid May.

JP Winscott stated that the county received a \$34,000 insurance payment for the replacement of a wrecked fire truck and that the replacement of the fire truck will be discussed at the next Public Safety Committee meeting.

ANNOUNCEMENTS

JP Douglas announced that the Benton County Farm Bureau will hold their annual Elected Officials appreciation dinner, April 20, 2012 at 6:00 p.m. at the Benton County Fair Grounds.

PUBLIC COMMENTS

None

JP Winscott asked if a date had been set for the Benton County Spring hazardous material waste cleanup.

JP Douglas stated that Benton County would not be doing the Spring Cleanup but that one will be held in the fall and will take bulky items only.

Administrator of Public Safety Marshal Watson stated that while the county has chosen not to do a Spring Cleanup, that the Benton County Solid Waste District is working throughout the county to accept household hazardous waste products, and that on Saturdays any resident of Benton County can take their household waste and hazardous material to the Benton County Solid Waste District.

ADJOURNMENT

Upon motion and second meeting adjourned at 7:22 p.m.